

REMARKS

At the time of the Third Office Action dated November 2, 2007, claims 1, 4, and 6-12 were pending and rejected in this application.

CLAIMS 1, 4, AND 6-12 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON WILSON ET AL., U.S. PATENT NO. 6,714,976 (HEREINAFTER WILSON), IN VIEW OF DITMER ET AL., U.S. PATENT NO. 6,473,407 (HEREINAFTER DITMER), AND BLACK ET AL., U.S. PATENT NO. 7,143,153 (HEREINAFTER BLACK)

On pages 3-14 of the Third Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Wilson in view of Ditmer and Black so as to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Obviousness is a legal conclusion based on underlying facts of four general types, all of which must be considered by the trier of fact: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicia of nonobviousness.¹ Applicants, however, respectfully submit that the Examiner has failed to properly characterize the scope and content of the prior art.

¹ See *KSR Int'l v. Teleflex Inc.*, 550 U.S. ____ (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966); *Continental Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1270, 20 USPQ2d 1746, 1750-51 (Fed. Cir. 1991); *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1566-68, 1 USPQ2d 1593, 1594 (Fed. Cir. 1987).

Regarding the claimed "receiving a filter representing a set of the one or more computer environments," the Examiner asserted the following in the paragraph spanning pages 4 and 5 of the Third Office Action:

Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments

Upon reviewing the Examiner's cited passages, Applicants are unclear as to how Wilson discloses the claimed filter represent a computer environment. Column 6, lines 42-45 of Wilson describes plug-in modules that can be used to "[configure] which events are to be monitored," yet this passage is silent as to the filter representing a computer environment. Fig. 11 of Wilson is described as a table stored in a data repository, yet absent from this passage is a teaching of a filter representing a computer environment. Thus, Wilson fails to teach the limitation for which the Examiner is relying upon Wilson to teach.

On page 6 of the Third Office Action, the Examiner admitted the following:

However, Wilson et al. do not explicitly disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from, and, the one or more filtered events are displayed on a single display window

To cure this deficiency the Examiner made the following assertion on page 5 of the Third Office Action:

In the same field of endeavor, Dittmer et al. disclose that in response to the receiving step, filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window (column 13, lines 28-39 which disclose a method for alarm management from a single workstation, including display or print lists of active alarms and define or display customized alarm filters to specify which alarms will appear in the alarm presentation).

Applicants respectfully submit that the Examiner has again failed to properly characterize the scope and content of the applied prior art. At the outset, Applicants note that the Examiner

cited teachings of Ditmer refer to "a single workstation," which is not comparable to the single display window, as claimed. Moreover, Ditmer does not teach filtering events (which are associated with one or more computer environments) based upon a filter representing a set of the one or more environments, as claimed. Instead, Ditmer teaches an alarm filter that specifies which alarm will appear in an alarm presentation. Thus, not only does Ditmer teach that the set of data to be filtered is different than the data claimed, the type of filter taught by Ditmer is also different than that claimed. Thus, even if Wilson were modified in view of Ditmer, as suggested by the Examiner, the resultant combination would not teach the limitations that the Examiner is relying upon this combination to teach.

As to the asserted rationale to modify Wilson in view of Ditmer, the Examiner asserted the following on page 6 of the Third Office Action:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, in response to the receiving step, a means for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window, as taught by Ditmer et al., in the method of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

In response, Applicants note that the Examiner's asserted rationale for the combination (i.e., "to provide the users with specific events based on filter defined by the users") does not necessarily result from the proposed combination. Specifically, the Examiner's asserted rationale (i.e., "to provide the users with specific events based on filter defined by the users") can be accomplished regardless of whether or not "the filter is received from, and the one or more filtered events are displayed on, a single display window." Thus, the Examiner's proposed rationale would not have impelled one having ordinary skill in the art to modify Wilson in view of Ditmer in the manner suggested by the Examiner.

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Therefore, for the reasons stated above, Applicants respectfully solicit withdrawal of the imposed rejection of claims 1, 4, 6-12 under 35 U.S.C. § 102 for obviousness based upon Wilson in view of Black.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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